(1) CAMCHED (3)

C.F. 15

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Civil Revision No.200 of 2003

Single Bench

P. R. No. 1352/03
Presented by Shri Sandeep Soni
dated 13.8.03

SARDAR GURVACHAN SINGH, SON OF SHRI RAWAIL SINGH, AGED ABOUT 40 YEARS R/O STATION ROAD , LODHIPARA, RAIPUR [C.G.]		**APPLICANT/ [DEFENDANT]**
	VERSUS	
1. MOHAN LAL AGARWAL, SON OF SHRI LAXMINARAYAN AGARWAL, AGED ABOUT 50 YEARS R/O H.NO.16/491, LODHIPARA, STATION ROAD, RAIPUR [C.G.]		
2. MADAN LAL AGARWAL, SON OF SHRI LAXMINARAYAN AGARWAL, AGED ABOUT 48 YEARS R/O BUS STAND CHARODA , DURG [C.G.]		
3. GOVERDHAN LAL AGARWAL, SON OF SHRI LAXMINARAYAN AGARWAL, AGED ABOUT 45 YEARS R/O, LODHIPARA, STATION ROAD, RAIPUR [C.G.]		
4. PURSHOTTAM DAS, SON OF SHRI LAXMINARAYAN		

AGARWAL, AGED ABOUT 35 YEARS. 5. TANSUKH DAS SON OF SHRI LAXMINARAYAN AGARWAL, AGED ABOUT 38 YEARS. NO.4 & 5 ARE RESIDENTS OF LODHIPARA, RAIPUR 6. MANSUKH LAL AGARWAL, SON OF SHRI LAXMINARAYAN AGARWAL, AGED ABOUT 50 YEARS R/O STATION ROAD, RAIPUR [C.G.]		**NON-APPLICANTS [DEFENDANTS]**

REVISION PETITION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE, 1908

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

आदेश पत्रक

मामला क्रमांक C.R.200/03 **सन्** ~~200~~

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09-03-2005

Shri B.P.Sharma, Counsel for the applicant.

This revision is directed against order dated 09-04-2003 passed by VIII Additional District Judge, Raipur in Civil Suit No. 23-A/2002 whereby the application of the applicant under Order 8 Rule 1- A read with 151of Code of Civil Procedure has been rejected. By this application the applicant had prayed for permission to file certified copy of the statements recorded in earlier Civil Suit No. 74-A/1999 and the same was dismissed.

However, learned counsel for the applicant seeks to withdraw this revision petition with liberty to file appropriate proceedings available under the law as instant revision petition is not maintainable in view of the proviso to Section 115 of the C.P.C.

In view of the above submissions and the judgment of the Apex Court in the matter of **Surya Devi Rai Vs. Ram Chander Rai and others reported in (2003) Vol. 6, SCC 675** as well as in the matter of **Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and others reported in (2003) 6 SCC 659**, the instant revision is not maintainable.

The Civil Revision is dismissed as withdrawn with liberty as prayed above.

Learned counsel for the applicant also prays that the certified copy of order annexed with the revision petition be returned on applicant furnishing attested photocopy of the same.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(35)

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Ramole	Office is directed to return the certified copy of the impugned order annexed with the revision petition to the counsel for the applicant on his furnishing attested photocopy of the same. Sd/- Dhirendra Mishra Judge	

(पीछे देखिये)